

March 16, 1967

MEMORANDUM

TO: Boston Redevelopment Authority

FROM: Edward J. Logue, Development Administrator

SUBJECT: ZONING REFERRALS

I. ZONING COMMISSION

Re: Map Amendment Application No. 43
Dorothy E. Roffey
33 Bismarck St., South Dorchester

Petitioner's property, consisting of one dwelling and three vacant lots is opposite the Thomas Flatley three-story apartment development which practically covers a large city block, extending from Cummins Highway to Greenwood Street between N.Y., N.H. & H. R.R. right-of-way and rear of lots on east side of Richmere Road. Flatley property was changed to a three-story apartment zone under the old code in 1964. At the hearing, Mrs. Roffey requested that her property also be changed and upon being informed that a new petition would be required, she filed the petition which was granted. Changes in the new zoning maps could not be made because of being on file at the State House. She is now petitioning to have the 1964 change validated on the new zoning map. However, in the zoning staff's opinion, it would be incongruous to change her four lots without changing the much larger contiguous developed area from a two-family district to a three-story apartment district, i. e., from an R-0.5 to an R-0.8 zone. Mrs. Roffey's lots are in fact over dominated by the Flatley development and are not now suitable for single or two-family development. Recommend approval.

VOTED: That in connection with Map Amendment Application No. 43 by Dorothy F. Roffey of 33 Bismarck Street, South Dorchester, seeking to change four lots which she owns, and also the site of a large development of three-story apartment houses to which her property is adjacent, from an R-.5 district to an R-.8 district, the Boston Redevelopment Authority recommends the change since the reclassification for use had been granted under the old code just before the new code came into effect but the change could not be recorded on the new maps since they were then in the custody of the Senate Clerk. The developed area as presently zoned does not conform with the district zoning map and it appears that the four vacant, adjacent lots are now no longer suitable for single or two-family development.

II. BOARD OF APPEAL REFERRALS

Re: Petitions No. Z-764 thru Z-767
Saverio Nardelli
15-46 Westgate Road, West Roxbury

Petitioner, under old zoning code, received permit to erect several two-story apartment buildings, each containing 28 units, located at the Newton city line adjacent to Mt. Benedict cemetery just off LaGrange Street. He is now seeking dimensional variances of reduced lot area per dwelling unit, reduced usable open space and excessive floor area ratio, so that the basements may be used to increase units in each of four buildings from 28 to 42. The proposed density in this two-family (R-.5) zone is twice that allowed and further, the petitioner, who has shown a complete disregard for zoning law in similar cases, also requests a subdivision of the area so that each building will occupy a separate lot. These lots will not comply with the required lot size and constitute additional violations. These buildings have constituted a major change in land use and if any further building is to be allowed it should be through a zone change since there are no grounds warranting use of the variance procedure. Sewer and water connections to the development are to the Newton service lines and do not have approval of Boston Public Works Department. There is some question since this project is in the flood plain of a small brook called Saw Mill or Brook Farm, as to whether permission of the State Department of Natural Resources is not required because of the 1965 Hatch (Wetlands) Act. Denial is recommended.

VOTED: That in connection with Petitions No. Z-764 through Z-767, brought by Saverio Nardelli, 15-46 Westgate Road, West Roxbury, seeking dimensional variances to allow four two-story apartment buildings to be converted from 28 to 42 apartments, each through use of basement floors, the Boston Redevelopment Authority is opposed to the granting of the petition. The proposed density in this two-family zone is twice that allowed. The petitioner also requests a subdivision of the area so that each building will occupy a separate lot. These lots will not comply with the required lot size and constitute additional violations. The petition should be for a change in zone and not variance procedure. These buildings have constituted a major change in land use and if any further building is to be allowed, it should be through a zone change since there are no grounds warranting use of the variance procedure. Sewer and water connections to the development are to the Newton service line and do not have approval of Boston Public Works Department. There is some question since this project is in the flood plain of a small brook called Saw Mill or Brook Farm, as to whether

permission of the State Department of Natural Resources is required because of the 1965 Hatch (Wetlands) Act.

Re: Petition No. Z-768
DeMarco Bros., Inc.
47 Gardner Street, Allston

Dimensional variances are sought in a General Residence (R-.8) district to eliminate recesses in the side and rear walls of a three-story 14 unit apartment building, increasing each floor 159 square feet. The Authority opposed the initial petition to erect the structure in March 1966 because of overcrowding of land and increased traffic congestion. Denial is again recommended. Optional case

VOTED: That in connection with Petition No. Z-768, brought by DeMarco Bros., Inc., 47 Gardner Street, Allston, for dimensional variances to eliminate recesses in side and rear walls of a 14 unit apartment building in a residential district, the Boston Redevelopment Authority is opposed to the granting of the variances, as it was to the original petition in March 1966 for the reasons then enunciated: overcrowding of land and undue traffic congestion.

Re: Petition No. Z-769
Louis Borowski
11-21 Mapes Street, Dorchester

Appellant requests space for 100 used cars, which would be dismantled and the parts offered for sale. The dismantling and storage of salvage parts is forbidden in a Light Manufacturing (M-1) district. A metal trailer would serve as an office. The use lies between the N.Y., N.H., & H. R.R. right-of-way and an I-2 (Heavy Industrial) district. A similar use exists directly opposite on Park Street. An eight foot corrugated iron fence excludes the lot. Recommend no objection. Optional case

VOTED: That in connection with Petition No. Z-769, brought by Louis Borowski, 11-21 Mapes Street, Dorchester, for a forbidden use to dismantle used cars and sell parts in a Light Manufacturing district, the Boston Redevelopment

Authority is not opposed to the granting of the variances. This site is in an M-1 (Light Manufacturing) zone and lies between an I-2 (Industrial) zone and the N.Y., N.H. & H. R.R. right-of-way and on the third side of the area in question, there is a similar business operation, that of storing and selling used auto parts. The lot is to be enclosed by an eight foot corrugated iron fence.

Re: Petition No. Z-770
Carmello Galli
25 Orlando Street, Hyde Park

In a single family (S-.5) district, appellant proposes to erect a two-story and basement 14 unit apartment building. Six variances are requested including a forbidden use. They consist of lot area per additional dwelling unit, front and rear yards less than required, excessive floor area ratio and parking within five feet of side lot line. The lot, as zoned, can support only two dwelling units. Even if the lot was good as H-1, a jump of three zones in density, it would be allowed only 8 units. Further, most of the dimensional violations would still be violations in the higher density zone. There are no conditions, hardship, practical difficulty or special circumstances present which would justify a favorable finding. Recommend denial. Optional case

VOTED: That in connection with Petition No. Z-770, brought by Carmello Galli, 25 Orlando Street, Hyde Park, for six variances to erect a two-story and basement 14 unit apartment building in a single family district, the Boston Redevelopment Authority is opposed to the granting of the petition. The proposed density is beyond all allowable limits of the code and dimensional deficiencies do not even conform with an H-1 (apartment) zone. The proposed violations are detrimental to the public welfare and to the neighbors of this single family district. There are no conditions, hardship, practical difficulty or special circumstances present which would justify a favorable finding and further, this case is a flagrant violation of everything the zoning code stands for.

Re: Petition No. Z-772
Marco Realty Trust
122 Warren Street, Brighton

To change occupancy from 17 to 18 apartments in an apartment (H-1) district, three dimensional variances and off-street parking less than required are requested. The petitioner reasons that if granted the conversion, the accumulated junk and storage bins would be removed from the basement where the additional apartment is to be located. Transportation-Engineering Department is opposed. The area is already heavily congested with no parking relief in sight. Recommend denial. Optional case

VOTED: That in connection with Petition No. Z-772, brought by Marco Realty Trust, 122 Warren Street, Brighton, for dimensional variances and off-street parking less than required to change occupancy from 17 to 18 apartments in an apartment district, the Boston Redevelopment Authority is opposed to the granting of the variances. The petitioner has not shown any substantial hardship or practical difficulty. The area is already heavily congested with no relief in sight.

Re: Petition No. Z-773
Elmer E. & Clifford K. Wieher
16 Birchwood St., West Roxbury

To legalize an existing carport for one car, a side yard variance is requested in a single family (S-.5) district. One foot is supplied of a twelve foot requirement. The structure was built several years ago and appellant states it was not known at the time of construction that a permit was required. It would appear to be a substantial hardship to remove the carport at this time. Approval is recommended. Optional case

VOTED: That in connection with Petition No. Z-773 brought by Elmer E. & Clifford K. Wieher, 16 Birchwood Street, West Roxbury, for a side yard variance to legalize an existing carport for one car in a single family district, the Boston Redevelopment Authority is not opposed to the granting of the variance only because the structure has existed for several years and it would appear to be an undue hardship on the appellant to remove it at this time.

Re: Petition No. Z-759
U. S. Post Office Department
35 Dorchester Avenue, Boston

Appellant proposes to erect a three-story and basement building for occupancy of the U. S. Post Office, cafeteria, medical suite, storage and garage in a light Manufacturing (M-2) district. Variances of set-back of parapet from front and rear lot lines and off-street parking less than required are sought. The building is designed with specific mail handling requirements of the Post Office Department. The building is only three stories high and the parapet set-back violations are due to the formula for figuring set-backs wherein the length of the building has great weight. This building has an uncommon length of 850 feet which throws the formula out of balance since there would be no violation for an ordinary sized building. The garage has space for 150 cars and there are 84 loading spaces where only 4 are required by the code which would seem to come pretty close to taking care of the parking. Also, the site is but one block away from an F.A.R. 8 zone which does not require any parking. The Central Business project director reports favorably but the Transportation Department wants to put a proviso in recommending approval, provided "the loading operations can be assumed not to cause traffic problems on Dorchester Avenue".

Optional case

VOTED: That in connection with Petition No. Z-759 brought by U. S. Post Office Department, 35 Dorchester Avenue, Boston, for variances of set-back of parapet from front and rear lot lines and off-street parking less than required in a Light Manufacturing district, the Boston Redevelopment Authority has no opposition providing loading operations will not cause traffic problems on Dorchester Avenue. The parapet violations are not serious being due to a formula make-up wherein the uncommon length of the building (850') throws the formula out of balance in this case.

Re: Petition No. Z-771
Ronald A. Pollini
739-745 Washington St., Dorchester

Appellant proposes to convert garage and repair shop to storage and distribution of laundry and cleaning equipment, wholesale and retail, a forbidden use in a Local Business (L-1) district; also, the mixing and blending of detergents and chemicals, storage of chemicals and gasoline in existing underground tanks. The staff feels this use to be much more obnoxious than the former, to be incompatible to and adversely affect the surrounding residential areas which it abuts. Denial is recommended. Optional case

VOTED: That in connection with Petition No. Z-771, brought by Ronald A. Pollini, 739-745 Washington Street, Dorchester, for a forbidden use to convert garage and repair shop to storage and distribution of laundry and cleaning equipment, wholesale and retail, the mixing and blending of detergents and chemicals, storage of chemicals and gasoline in existing underground tanks, the Boston Redevelopment Authority is opposed to the granting of the variance. The use is much more obnoxious and detrimental to the surrounding residential areas than the former repair garage. No evidence of substantial hardship has been presented to justify the granting of the variance.

